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ELECTION COMMISSION, INDIA
NOTIFICATION

New Delhi, the 14th May, 1957

S.R.O. 1646.—In pursuance of the provisions of sub-section (1) of section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 177 of 1957, presented to the Commission on the 2nd April, 1957 under section 81 of the said Act, by Shri Raghubir Singh, Vijay Nagar Colony, Agra calling in question the election to the House of the People from the Firozabad constituency of that Assembly of Shri Brij Raj Singh, Vakil Jalesay Road, Firozabad.

Presented to me by Shri Raghubir Singh, whose signature has been obtained in the margin and attested as having been signed before me this the Twenty second day of April, one Thousand Nine Hundred and Fifty Seven.

New Delhi, the 22nd April, 1957.

(Sd.) DIN DAYAL, Under Secy.
Election Commission, India.

To

THE ELECTION COMMISSIONER OF INDIA, DELHI

ELECTION PETITION No. 177 of 1957

Raghubir Singh—Petitioner, Vijay Nagar Colony, Agra.

Versus

Brij Raj Singh Vakil—Respondent, Firozabad, Agra.

The above named petitioner submits as follows:—

1. That the Petitioner was a candidate for Election to the Lok Sabha from Firozabad Parliamentary Constituency in Distt. Agra for the General Seat in the last General Elections and respondent was also a candidate for the said seat.

2. That the Elections to the said seat took place on 28th Feb., 3rd March and 6th March 1957 and the result was announced on 7th March 1957 by the Returning Officer, Agra. As a result of announcement the respondent was declared to be elected by majority of votes as against the petitioner.

3. That the election of the Respondent is void for the following grounds, amongst others:—

(I) The respondent, his agents and workers with the consent of the respondent committed the following corrupt practices of bribery as defined in Sec. 123 (i) of the Representation of the People Act 1951, some of the instances so far known, are given below:—

(a) The respondent, his agents and workers freely distributed thousands of Red Caps to voters and their relations throughout the constituency, specially villages:—Hinner in Nawada Khera Polling stations.

Fatehabad, Nichakhera, Nibhora, Palia, Jagrajpuri and Fatehabad Town, Firozabad Proper, 2. Gunau, 3. Ase Ka Nangla, 4. Usaini, 5. Nargapura; 1. Kalinjar, 2. Bikrampur, 3. Pinahat, 4. Shahpur Gujar; 1. Nangla Singhi, 2. Chulaha-wali, 3. Khanda, 4. Tundla; 1. Samon, 2. Budhana, 3. Pach Gangi Khera and 4. Mohua Khera etc. between 10th February to 6th March. This was done with the object of inducing the aforesaid persons to vote for the respondent and to refrain from voting for the petitioner.

(II) The respondent, his agents and workers with the consent of respondent exercised undue influence on the Voters and their relations, thus interfered and attempted to interfere with the free exercise the electoral right and thus committed corrupt practice as defined in Sec. 123(2) of the Representation of the People Act 1951.

Some of the instances so far known are specified below:—

(a) The respondent is a Thakur by caste and he joined hands with Shri Mahendra Ripudman Singh, another Thakur by caste, who was a candidate for U.P. Assembly seat from the Bah constituency which was also included in the respondent Parliamentary constituency.

The Parliamentary constituency in question, particularly Bah and Fatehabad, has been terrorised by Thakur dacoits under the leadership of the notorious dacoit, Man Singh for a long time past; shooting, kidnapping, and plunder had been the common features of the activities of these dacoits. The combination of the respondent with Shri Mahendra Ripudman Singh was utilised by the respondent, his agents and workers with his consent, all over the constituency, particularly Bah Assembly constituency. The voters, their relations, and friends were terrorised directly and indirectly and they were told if they did not vote or secure votes for the respondent and Shri Mahendra Ripudman Singh, they would be shot, kidnapped or looted. Rupa, Lakhan and other notorious dacoits of the Gang of said notorious Man Singh were invited to the Bah Constituency where they lived and roamed about for about a week in the constituency before the date of election, that is, 3rd March, 1957, threatening the said persons with shooting if they did not vote for Thakur candidates including the respondent. This had a tremendous adverse effect on the moral of voters and materially affected the result of election not only in Bah but in other Tehsils also. One Siya Ram of a village in Tehsil Bah was murdered. This village is very near the village of said Man Singh and also close to the village of Shri Mahendra Ripudman Singh. The murder of this man was utilised as a weapon to terrorise the voters to vote for the respondent and Shri Mahendra Ripudman Singh and not to vote for the petitioner if they wished to avoid the fate of said Shri Siya Ram. In fact the terror felt throughout the Constituency of Bah was so much that most of the voters had not the courage to exercise free exercise of their electoral rights, not only in Tehsil Bah but in the other Tehsils of the constituency as well.

(b) The respondent, his agents and workers with his consent threatened Thakur voters of the parliamentary constituency in question not to vote for the petitioner, with social ostracism and ex-communication or expulsion from caste, if they do not act on this exhortation.

(III) The respondent, his agents and workers with the consent of the respondent made systematic appeal to voters on grounds of caste (Thakur) to vote for the respondent and not to vote for the petitioner. Such appeals were made throughout the constituency almost everyday between 30th January and 6th March 1957 at almost all places throughout the constituency. Some of the important meetings in which systematic appeals were made on the grounds of caste with dates and places mentioned below:—

<i>Date of Meeting</i>	<i>Place of Meeting</i>
12-2-57	Chitrahata, Jaitput
3-2-57	Rud-Muli, Sutari
In the month of February	Uncha, Shamsabad } In Fatehabad Kolaria Kalan } Tehsil.
30-1-57 to 23-2-57	Firozabad Proper, Jondhari, Kotla etc.
13-2-57 to 4-3-57	Digner, Birampur, Kuberpur, Aharan etc.

In the Firozabad Assembly Constituency particularly the town a vigorous propaganda was carried on by the respondent, his agents and workers with his consent on the grounds of religion. Only a few days before the election took place in Firozabad, on 28th February 1957. In this campaign the Hindu Voters were exhorted not to vote for congress candidates including the congress Muslim candidate for the assembly seat, Shri Hazi Halder Bux. A photograph of late Dr. Jiwa Ram of Firozabad who lost his life during Hindu Muslim riots previously was taken round the City and villages on several dates with the object of securing votes for the respondent and his other collaborators, Shri Jagannath Lahri, another candidate against Shri Hazi Haider Bux, for Assembly seat. This propaganda had a very serious adverse effect on the voters, and the petitioner lost several thousands votes while the respondent secured several thousands votes by claiming himself to the protector of Hindu Religion and interests, which he would not have got otherwise. The respondent thus committed corrupt practice in 123 (3) of the Representation of the People Act of 1951.

(IV) The respondent, his agents and workers with the consent of the respondent hired and procured vehicles (cars, Motor trucks, tractors and Bullock carts) on the days of elections in the constituency for the conveyance of the voters to and from all the polling stations particularly the following:—

For reference an application to this effect that the cars were used to carry the voters to the Polling Stations from the places of their residence was moved by Shri Pursottam, my polling agent at Bah, thus there is an ample proof to corroborate the above fact. The respondent thus committed corrupt practice as defined in Section 123(5) of the Representation of the People Act 1951.

(V) The respondent, his agents, and workers with the consent of the respondent secured the assistance of the village accountants, i.e. Lekhpals for the furtherance of the prospects of his election and thus committed corrupt practice as defined in Sec. 123(7) of the Representation of the People Act of 1951. Assistance of some of the Lekhpals of the following villages was utilised and sought for purpose of canvassing and influence voters for the benefit of the respondent between 10th February and 6th March 1957. Some of the Lekhpals were approached for influencing the voters and some were actually utilised in canvassing and influencing voters for the benefit of the respondent.

(VI) The respondent, his agents and workers with the consent of the respondent incurred and authorised the expenditure in contravention of section of the Representation of the People Act of 1951 in the following manner:—

- (a) The expenditure incurred far exceeded the prescribed limits of Rs. 25,000/-.
- (b) The respondent thus concealed the expenditure under several heads, some of which are specified below.

The payment for vehicles used, cost of petrol, expenses of meetings, Loud speakers and cost of entertainments etc.

- (c) The respondent did not keep the separate and correct account of all expenditure incurred or authorised by him as required by Sec. 77 of the Representation of the People Act of 1951. The return of expenses filed by him is simply irregular, incomplete and faked and does not fulfil the requirements of law.

Thus the respondent committed corrupt practices as defined in 123(6) of the Representation of the People Act of 1951.

(VII) That the above corrupt practices taken singly and also jointly materially affected the result of the elections and the election of the respondent is void in law.

(VIII) That the petitioner has deposited Rs. 1,000/- vide receipt/challan (treasury) No. 118 dated 22nd April 1957, as security as required by law and the receipt thereof is enclosed herewith.

(IX) That the petitioner prays as follows:—

- (a) The election of respondent be declared void and he be disqualified according to law.
- (b) The cost of the petition be awarded to the petitioner against the respondent.
- (c) Any other relief which the tribunal considers proper be also awarded.

RAGHUBIR SINGH, Petitioner.

Verified that the contents of paragraphs I to VIII are true to my personal knowledge and the knowledge of the paras is based on the information which I believe to be true. Verified this day 22nd April 1957 at Agra.

RAGHUBIR SINGH, Petitioner.

[No. 82/177/57.]

By Order,

DIN DAYAL, Under Secy.